



Docket No.: 944-003.103-2

Serial No.: 10/781,327

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Y. WANG et al

Serial No. **10/781,327**

Filed: **February 17, 2004**

Title: ***Adaptive spreading factor
based on power control***

Group Art Unit: **2619**

Examiner: **Hong Sol CHO**

Certificate of Mailing

I hereby certify that this correspondence is being deposited today with the US Postal Service as first-class mail addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Annemarie Maher 14 July 09
Annemarie Maher Date

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir or Madam:

INFORMATION DISCLOSURE STATEMENT

Enclosed herewith are patents and/or publications for consideration by the Patent and Trademark office in regard to the invention claimed in the above-described application. In compliance with §1.56, such documents are listed in the enclosed Form PTO-1449.

Applicants request that the Patent and Trademark office make of record the above-identified documents. A full text copy of each document is attached, except for copies of U.S. patents and U.S. patent application publications. For documents not in English, an English translation or an equivalent English language patent or publication may be attached. Where a translation is not available, a concise explanation of the relevance of each document not in English is included either here or in the specification or the relevance is indicated by the categories indicated by a foreign examiner in an enclosed search report from a foreign patent office (see MPEP Section 609A(3)).

This Information Disclosure Statement (hereinafter "Statement") is submitted according to the following selected paragraph:

- I ☐ This Statement is being filed under §1.97(b) within three months of the filing date of the application, or before the mailing of a first Office Action on the merits or before the mailing of a first Office Action after the filing of a Request for Continued Examination.
- II. ☐ This Statement is being filed under §1.97(c), with fee, prior to the mailing date of any Final Action, a Notice of Allowance or an Action that otherwise closes prosecution in the application. A check in the amount of the fee required by §1.17(p) is enclosed.

- III. ☒ This Statement is being filed under §1.97(c), with a certification under, §1.97(e) prior to the mailing date of any of a Final Action, a Notice of Allowance or an Action that otherwise closes prosecution in the application. The undersigned hereby states that (check one):
- ☒ each item of information contained in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
 - ☐ no item of information in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification under §1.97(e) after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Statement.
- IV. ☐ This Statement is being filed under §1.97(d), with fee and certification under §1.97(e), on or after the mailing date of either a Final Action, a Notice of Allowance (but prior to payment of the Issue Fee) or any Action that otherwise closes prosecution in the application. A check in the amount of the fee required by §1.17(p) is enclosed. The undersigned hereby states that (check one):
- ☐ each item of information in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
 - ☐ no item of information in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification under §1.97(e) after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

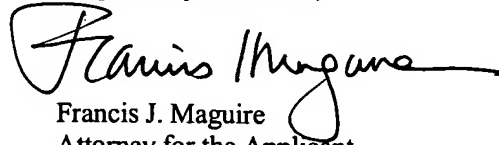
We enclose a copy of a Supplementary European Search Report (3 pages) mailed from the EPO on 17 June 2009, citing three additional references. The EP 1117184 document cited by the EPO as category "Y" has a US counterpart as published 19 July 2001 under US patent publication no. 2001/0008542. The WIPO document WO 01/47155, also listed under category "Y," has a US counterpart US Patent No. 6,501,744 already cited by the US Examiner on the Form PTO-892 provided with the non-final Office Action of 11 July 2007.

If there are fees due with this Statement that are for some reason incorrect or missing, the Commissioner is authorized to deduct the correct amount from our Deposit Account No. 23-0442.

Dated: 13-JULY-2009

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is fluid and cursive, with a large, stylized initial "F".

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